

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

KURBY DECKER §
v. § CIVIL ACTION NO. 5:06cv210
CHEQUITA DUNBAR, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR CONTEMPT

The Plaintiff Kurby Decker filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On March 15, 2006, Decker filed a motion asking that various TDCJ officials be held in contempt for allegedly attempting to prevent him from accomplishing service of process in the lawsuit. On April 3, 2007, the Magistrate Judge issued a Report recommending that the motion be denied. The Magistrate Judge observed that all of the Defendants have answered the lawsuit, and so the purpose of service of process was accomplished. Decker filed objections to the Report on April 16, 2007.

The Court has conducted a careful *de novo* review of the pleadings in this cause, the Plaintiff's motion for contempt, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion to hold the prison officials in contempt (docket no. 22) is DENIED.

SIGNED this 15th day of May, 2007.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE